

# National Security Bill

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## COMMONS AMENDMENTS, DISAGREEMENTS AND REASONS

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*[The page and line references are to HL Bill 68, the Bill as first printed for the Lords]*

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### After Clause 14

#### LORDS AMENDMENT 22

**22** After Clause 14, insert the following new Clause –

**“Foreign interference in elections: duties on political parties**

- (1) A UK-registered political party must, within three months of the passing of this Act, publish a policy statement to ensure the identification of donations from a foreign power (whether made directly or through an intermediary), and must keep that policy updated in accordance with guidance issued under subsection (2).
- (2) Within three months of the passing of this Act the Secretary of State must publish guidance on the provisions of this section.
- (3) A UK-registered political party must provide the Electoral Commission with an annual statement of risk management that identifies how risks relating to donations from a foreign power (whether made directly or through an intermediary) have been managed, and what measures have been put in place by the party to such effect.
- (4) In this section, “UK-registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 22 for the following Reason –*

**22A** *Because the law already makes sufficient provision in relation to donations to political parties.*

## Clause 28

### LORDS AMENDMENT 26

26 Leave out Clause 28 and insert the following new Clause –

**“Offences under Part 2 of the Serious Crime Act 2007**

(1) Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is amended as follows.

5 (2) After section 50 insert –

**“50A Extra-territorial offences: defence for intelligence services and armed forces**

(1) This section applies where a person is charged with an offence under this Part by reason of a provision of Schedule 4 (extra-territorial jurisdiction).

(2) It is a defence for the person to show that their act was necessary for –

(a) the proper exercise of a function of an intelligence service, or

(b) the proper exercise of a function of the armed forces.

(3) A person is taken to have shown that their act was so necessary if –

(a) sufficient evidence of that fact is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(4) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that acts of a member of the service to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the service.

(5) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that acts of –

(a) a member of the armed forces, or

(b) a civilian subject to service discipline when working in support of a member of the armed forces,

to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the armed forces.

(6) The arrangements which must be in place by virtue of subsection (4) or (5) must be arrangements which the Secretary of State considers to be satisfactory.

(7) In this section –

“armed forces” means His Majesty’s forces (within the meaning of the Armed Forces Act 2006);

“civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;

- 40 “GCHQ” has the meaning given by section 3(3) of the  
Intelligence Services Act 1994;
- “head” means –
- (a) in relation to the Security Service, the Director  
General of the Security Service,
- 45 (b) in relation to the Secret Intelligence Service, the Chief  
of the Secret Intelligence Service, and
- (c) in relation to GCHQ, the Director of GCHQ;
- “intelligence service” means the Security Service, the Secret  
Intelligence Service or GCHQ.”
- (3) For the heading before section 50 substitute “Defences”.

#### COMMONS AMENDMENT

*The Commons agree with the Lords in their Amendment 26 and propose Amendments 26A and 26B as amendments thereto –*

- 26A Line 15, at end insert “relating to intelligence”
- 26B Line 30, at end insert “relating to intelligence”

#### After Clause 89

#### LORDS AMENDMENT 122

- 122 After Clause 89, insert the following new Clause –
- “Duty to update the Intelligence and Security Committee of Parliament's memorandum of understanding**
- (1) The Prime Minister must ensure that the memorandum of understanding between the Prime Minister and the Intelligence and Security Committee of Parliament (the “ISC”) under section 2 of the Justice and Security Act 2013 (the “MoU”) is revised to reflect any changes to the intelligence or security activities of His Majesty’s Government as a result of this Act.
- (2) Any revisions to the MoU under subsection (1) must be agreed between the Prime Minister and the ISC in accordance with the process set out in section 2 of the Justice and Security Act 2013.
- (3) Any engagement between the Prime Minister and the ISC relating to revisions to the MoU under subsection (1) must commence within the 6-month period beginning with the day on which this Act is passed.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 122 for the following Reason –*

- 122A *Because section 2 of the Justice and Security Act 2013 already makes sufficient provision in relation to memoranda of understanding.*

**Before Schedule 14**

LORDS AMENDMENT 153

**153** Before Schedule 14, insert the following new Schedule –

“SCHEDULE

Section 68

PUBLIC OFFICIALS

*Ministers*

- 5           1       A Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- 2       A Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland or a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998.
- 10           3       The First Minister for Scotland, a Minister appointed under section 47 of the Scotland Act 1998 or a junior Scottish Minister.
- 4       The First Minister for Wales, a Welsh Minister appointed under section 48 of the Government of Wales Act 2006, the Counsel General to the Welsh Government or a Deputy Welsh Minister appointed under section
- 15           50 of that Act.

*MPs etc*

- 5           5       A member of either House of Parliament.
- 6           6       A member of the Northern Ireland Assembly.
- 7           7       A member of the Scottish Parliament.
- 20           8       A member of Senedd Cymru.
- 9           9       An employee or other member of staff of a person within any of paragraphs 5 to 8.

*Local government*

- 10           10       The Mayor of London.
- 25           11       A mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

*Political parties*

- 30           12       An officer, trustee or agent of a UK registered political party (within the meaning of section 68).
- 13           13       A member of such a political party who exercises executive functions on behalf of the party.

*Election candidates*

- 35 14 A candidate at an election for a relevant elective office (within the meaning of section 37 of the Elections Act 2022).
- 15 A candidate at an election for a relevant Scottish elective office (within the meaning of that section).

*Civil servants*

- 40 16 (1) A member of—
- (a) the Senior Civil Service;
  - (b) the Northern Ireland Senior Civil Service;
  - (c) the Senior Management Structure of Her Majesty’s Diplomatic Service.
- 45 (2) A person who serves the government in a position in the civil service of the State and whose appointment to that position meets the requirements applicable to that position set out in section 15(1) of the Constitutional Reform and Governance Act 2010 (special advisers).
- 50 (3) A person appointed to a position in the Northern Ireland Civil Service by a Northern Ireland Minister (within the meaning of section 68) and whose appointment to that position meets the conditions set out in section 1(3) and (4) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 (c. 8 (N.I.)) (special advisers).

*Military personnel*

- 55 17 (1) An officer subject to service law who is of or above the rank of commodore, brigadier or air commodore.
- (2) In sub-paragraph (1), “subject to service law” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).

*Police*

- 60 18 The chief constable or deputy chief constable of a police force maintained under section 2 of the Police Act 1996.
- 19 A police and crime commissioner.
- 20 A person of one of the following ranks of the metropolitan police force—
- (a) Commissioner of Police of the Metropolis;
  - (b) Deputy Commissioner of Police of the Metropolis;
  - 65 (c) Assistant Commissioner of Police of the Metropolis;
  - (d) Deputy Assistant Commissioner of Police of the Metropolis.
- 21 The Commissioner of Police for the City of London or an Assistant Commissioner of Police for the City of London.
- 22 The chief constable or deputy chief constable of the Police Service of Northern Ireland.
- 70 23 The chief constable or a deputy chief constable of the Police Service of Scotland.

24 The chief constable or a deputy chief constable of the Ministry of Defence Police.

75 25 The chief constable or deputy chief constable of the British Transport Police Force.

26 The chief constable or deputy chief constable of the Civil Nuclear Constabulary.

*Persons exercising public functions*

80 27 (1) A person exercising public functions who is specified by the Secretary of State in regulations.

(2) “Public functions” means functions of a public nature –

(a) exercisable in the United Kingdom, or

85 (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown.”

COMMONS AMENDMENT

*The Commons agree with the Lords in their Amendment 153 and propose Amendment 153A as an amendment thereto –*

**153A** Line 48, leave out from beginning to “of” in line 51 and insert “A special adviser within the meaning of section 1”

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*3 May 2023.*

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